

Senate Bill No. 1153

CHAPTER 706

An act to add Section 1569.545 to the Health and Safety Code, relating to care facilities.

[Approved by Governor September 28, 2014. Filed with
Secretary of State September 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1153, Leno. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Violation of these provisions is a misdemeanor. Existing law authorizes the department to deny an application for a license or suspend or revoke a license issued by the department under specified circumstances.

This bill would authorize the department to order a suspension of new admissions prohibiting a residential care facility for the elderly from admitting new residents if the facility has failed to pay a fine assessed by the department or if the department finds that the facility has violated applicable laws or regulations and the violation presents a direct or immediate risk to the health, safety, or personal rights of a resident or residents of the facility and is not corrected immediately. The bill would authorize a licensee to appeal the suspension and would require the department to adopt regulations that specify the appeal procedure. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1569.545 is added to the Health and Safety Code, to read:

1569.545. (a) For purposes of this section, "suspension of new admissions" means a prohibition on admitting new residents to receive care or services in the facility.

(b) The department may order a suspension of new admissions for a facility in either of the following circumstances:

(1) The department finds that the facility has violated this chapter or any applicable regulations, the violation presents a direct and immediate risk to the health, safety, or personal rights of a resident or residents of the facility, and the violation is not corrected immediately.

(2) The facility has failed to pay a fine assessed by the department after the facility's appeal rights have been exhausted.

(c) A suspension of new admissions for a failure to pay a fine, as described in paragraph (2) of subdivision (b), shall remain in effect until the facility pays the fine assessed by the department.

(d) A suspension of new admissions under paragraph (1) of subdivision (b) shall remain in effect until the department determines that the facility has corrected the violation. The department shall conduct a followup visit to determine compliance within 10 working days following the latest date of correction specified in the notice of deficiency, unless the licensee has demonstrated that the deficiency was corrected as required in the notice. The department may make unannounced visits after the suspension of new admissions is lifted to ensure that the facility continues to maintain correction of the violation. The department may order another suspension of new admissions or take other appropriate enforcement action if the facility does not maintain correction of the violation.

(e) A licensee may appeal a suspension of new admissions ordered under this section to the director. The department shall adopt regulations that specify the appeal procedure.

(f) A suspension of new admissions ordered under this section shall not be stayed pending the facility's appeal or request for review.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.